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Claude F. Purchase, Jr.
Warner-Lambert Company
2800 Plymouth Road
Ann Arbor, MI 48105

May 29, 2003

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Office of the Director
Group 3600

In re: Dyer et al. : Decision on Petition under
Serial No. 10/071,032 :
Filed : February 8, 2002 : 37 CFR 5.4

For: Bicyclic Pyrimidine Matrix Metalloproteinase Inhibitors

This is a decision on the petition under 37 CFR 5.4, filed January 21, 2003 for the recession of a secrecy order under 35 USC 181.

It has been noted that a filing receipt mailed on September 24, 2002 indicated that subject matter of the application was placed under a secrecy order. However a review of the file and the Office records indicates that a secrecy order was never placed on the application nor was a secrecy order placed on the provisional application to which this application claims benefit.

During the time the filing receipt was generated, a copy of the application was sent to at least one defense agency pursuant to 35 U.S.C. 181. As such, a projected PGPub date could not have been indicated at the time. Although the fact that a projected publication date was not indicated was proper, the indication of a secrecy order was in error.

In that the application was never placed under a secrecy order, the applicant's petition for recession is DISMISSED.

The application will be forwarded to the Office of Initial Patent Examination for the issuance of a corrected filing receipt. The application will then be returned to the examining group for a refund of the petition fee and examination on the merits.

Any questions or comments with respect to this decision should be forwarded to Michael J. Carone at 703 306-4198

Michael J. Carone
Supervisory Patent Examiner
Technology Center 3600
703 306-4198